

**PESTICIDE ENFORCEMENT ACTIVITIES WORKPLAN
SANTA BARBARA COUNTY – FY 06/08**

The following workplan describes the principal elements and activities that constitute Santa Barbara County's pesticide use enforcement program for fiscal years 06/08. This plan is subject to reconsideration and modification, as needed, to address new compliance and enforcement issues and changing conditions over the course of the time period that this work plan is in effect.

Background

For the purpose of this work plan Santa Barbara County can be divided into three regions:

The northern region includes the Santa Maria and Cuyama Valleys. Principal crops grown here are strawberries, cole crops (broccoli, cauliflower & cabbage), lettuce, wine grapes, celery, beef cattle, peas, spinach, summer squash, and carrots. Significant pesticide use enforcement issues and workload in the northern region are related to: fumigant use in strawberries and carrots, sulfur applications to strawberries, squash, peas, and grapes, and all pesticide use in the vicinity of the agricultural/urban interface.

In the central region are Lompoc and Santa Ynez Valleys. Principal crops grown are cole crops (broccoli, cauliflower & cabbage), lettuce, wine grapes, celery, beef cattle, artichokes, spinach, and cut flowers. Because of the increasingly urban nature of the region, a significant pesticide use enforcement issue in the central region is pesticide use at the agricultural/urban interface.

The southern region includes Carpinteria, Santa Barbara, and Goleta and extends from Gaviota on the west to the Ventura County line. Principal crops include nursery products, avocados, and lemons. Primary pesticide use enforcement issues in the southern region include regulation of fumigant use in nurseries, and pesticide use at the ag/urban interface where nurseries and avocado orchards can be found in close proximity to residences.

During FY 05/06 Santa Barbara County had 12 licensed staff whose assignment included some level of PUE program involvement. PUE program hours expended by licensed staff was 16,834. There were 2581 unlicensed support hours. Total PUE program hours during FY 05/06 was 19,415. The office is currently recruiting to fill two vacant field staff positions in the Santa Maria office. Each of these new staff will have responsibilities in the PUE program. PUE Training required for these new staff members will require considerable time and the involvement of all current staff members.

Core Program Activities:

Core activities in Santa Barbara County's pesticide use enforcement program include: Restricted material permitting, Enforcement Response, and Compliance Monitoring.

A summary of core element activities achieved by Santa Barbara County's pesticide regulatory program during FY 05/06:

Activity		Number	Hours
Inspections:	Preapplication	134	134
	Application	358	1,014
	Field Worker Safety	70	OIN hours included w/App. inspections
	Records	33	168
	Structural (all)	36	155
Surveillance hours			
Permits		891 issued 49 denied	1683
OINs,		442 issued	OIN hours included in registrations
NOIs		4497 reviewed 44 denied	457
Investigations		42	287

Registrations & Exams – (903 total hours)			
Pest Control Business	99	Pest Control Advisor	103
Pilot	13	Farm Labor Contractor	68
Operator ID Numbers issued	440	Structural Notice	68
Private applicator	191	PAC exams	236

Restricted materials permitting

•Because there have been no major changes in pesticides used or the nature or scale of farming in Santa Barbara County over the last year, no significant change in permit workload is anticipated during fy06/08 time period.

- Santa Barbara County does not apply a specific definition for what are often known as “sensitive sites”. Categorizing some areas as “sensitive” implies that others are not sensitive or do not merit attention. Singling out areas of concern by outlining them on a map or by defining them in words is not politically justifiable. In addition it is our position that, depending on the day, *any* site may qualify as sensitive for a variety of reasons, some of which may change within fairly narrow timeframes. Regarding the process of restricted materials permitting, it is our intention to give equal protection to all areas of Santa Barbara County.

- Permit issuance for fumigant application is a time consuming and complex process. To carry it out the issuer must be knowledgeable of the particular fumigant’s regulatory requirements and be well trained. Training is accomplished both in-house and at DPR provided training sessions. In addition, developing and updating permit conditions required to safely regulate fumigant use requires considerable research and experience. Conditions must be sufficiently protective for workers, the public, and the environment, understandable to the permittee and the applicator, and enforceable. Our PUE staff researches the issues that must be addressed by conditions, contacting DPR, UC researchers, applicators, and manufacturers. We study experiences both within and outside Santa Barbara County, and apply the lessons learned.

- Employers historically become certified as private applicators (PACs) and sign restricted materials permits for their operations but are not always in a position to truly provide day to day supervision of pesticide handling activities.

To remedy the situation, where feasible, we will continue to:

- Encourage employers to get their primary handlers certified as PACs and to have them attend formal or informal continuing education (C.E.) classes covering a variety of pesticide safety related subjects. We anticipate providing two to three C.E. classes in North County and two to three classes in the South County annually.
- Encourage growers to delegate full responsibility for application decisions, giving real authority to handlers, allowing them to make pesticide use decisions.

Restricted Materials Permitting Deliverables:

Santa Barbara County will provide specific training for employers regarding hazard communication and application specific information for applicators and field workers.

Santa Barbara County will develop and provide C.E. classes in Spanish and English.

Enforcement Response

Enforcement response is provided as appropriate according to results of investigations, compliance inspections, and surveillance activities conducted during the normal course of business. It is worth noting that changes in guidelines governing appropriate enforcement responses have resulted in increased enforcement actions and a resulting increase in workload associated with pursuing those actions. Another affect of the added workload resulting from implementation of Enforcement Response related activities is a corresponding reduction in the number of compliance inspections which can be completed.

A summary of recent compliance and enforcement activities is:

FY	Compliance actions	Civil penalties
03/04	414	25
04/05	305	50
05/06	253	80

No margin for error in handling fumigants safely is accepted. Any violation related to worker or public/environmental safety during fumigation handling is grounds for enforcement action, and will be handled according to Enforcement Response Policy.

In spite of the fact that Santa Barbara County has, we believe, a strong enforcement program some common compliance problems remain: PPE use, mix/load issues (proper measurement, container rinsing, storage), recordkeeping, and hazard communication/application specific notice. We will maintain a directed routine inspection program and conduct follow up inspections when noncompliances are encountered. These follow up inspections, along with the findings of our routine inspection program, provide a measure of the success of our basic regulatory program.

Because it is not anticipated that simply adopting a harder enforcement line in the form of increased fines will have a positive effect on compliance rate and could conceivably result in reduced cooperation and access to private property, we intend, as an alternative, to increase our efforts at outreach and education. Without abandoning conventional enforcement tools when they are deemed appropriate and necessary to achieve our goal, we will attempt to improve compliance in the areas noted by placing more effort in an outreach program targeting both employers and employees.

Enforcement Response Deliverables:

Santa Barbara County will respond to all violations encountered with either a compliance, or an enforcement action, as appropriate, in conformity with Enforcement Response requirements.

Improve compliance in the areas noted by placing more effort in an outreach program targeting both employers and employees. A primary form of contact with employers is during permit issuance. Contact with employees occurs in the work place during unannounced visits made in the conduct of surveillance activities, or, when possible, at meetings such as informal tailgate training arranged by employers.

Santa Barbara County will submit to DPR completed inspection reports for use monitoring, fieldworker safety, and various records required to be maintained by growers and pest control businesses, and follow up inspections conducted to ensure compliance with pesticide laws and regulations.

Santa Barbara County will submit to DPR Enforcement Action Summaries describing enforcement actions pursued for violations identified in the course of conducting inspections, surveillance, and investigations

Santa Barbara County will notify our Enforcement Branch Liaison of ACP/SCP hearings requested, and enforcement cases referred for either licensing action to agencies such as the Structural Board or referrals for city/district attorney prosecution, etc.

Santa Barbara County will submit to DPR a monthly report of time expended and activities accomplished by our pesticide enforcement program (Pesticide Regulatory Activity Monthly Report).

Santa Barbara County has implemented staffing changes aimed at improving enforcement response time by keeping the time between identifying a violation and proposing enforcement action at 120 days or less.

Compliance monitoring

We will continue to carry out a systematic program of routine use monitoring and records inspections to gauge compliance with regulatory requirements. Pesticide users who have not been inspected in the recent past and those who have had noncompliances on previous inspections will be targeted for inspection. We will divert some time from other inspection work to focus additional energy on structural pest control activities during the time period covered by this work plan.

In addition to our program of routine inspection and follow up, regulating field fumigation is a significant workload for the department. Because of the number and complexity of regulatory requirements, the level of public concern, the wide variety of users and situations where it is used, and the number and quantity of materials applied, the use of soil fumigants will continue to be a focus of our pesticide regulatory program.

We will continue to focus use monitoring inspection energy on fumigant applications to ensure compliance with regulations and permit conditions which specify buffers, field posting, notice, worker protection requirements, etc. When fumigation is conducted in the proximity of populated areas or in areas where complaints have been generated, or the applicators have a history of previous non compliance will be assigned a high priority resulting in 100% inspection of those operations.

Regulatory requirements for workers handling methyl bromide in soil fumigation have increased in complexity. The additional work required to gauge and track compliance in this area is significant. There is a considerable expense of time and effort involved in properly enforcing new respiratory protection and work hour requirements.

We will continue to conduct routine- and follow up inspections for compliance verification. Inspections employed in gauging compliance are spontaneous and unannounced.

We will develop resources to help educate growers to regulatory requirements.

- Prepare materials that provide compliance guidance to growers and distribute at permit issuance, C.E. sessions, prior to follow up inspections, etc.
- Review resources available from DPR and others that may be helpful and distribute them as needed.

Santa Barbara County will continue to investigate all complaints which may be pesticide related, and commences investigation of all episodes immediately upon receipt of episode notification.

Concerns related to pesticide use near residential development have increased in recent years. Investigating and addressing the concerns of residents is a time-consuming job that frequently results in enforcement action, compounding work load issues.

The Agricultural Commissioner's Office enjoys a close working relationship with the County Health Officer, the Central Coast Environmental Health Project, and several local medical facilities. We rely on these resources to provide early notification of incidents which may be pesticide related. Santa Barbara County will submit to DPR reports resulting from investigations conducted in response to a Pesticide Illness Report (PIR) or Doctor's First Report of Occupational Injury or Illness (DFROII) within 90 calendar days of learning about the episode

In FY05/06 Santa Barbara County intended to develop a pesticide incident and complaint tracking system, and submit monthly summaries of cases to DPR. For various reasons the implementation was only partially successful. We expect to complete the complaint tracking process in FY06/07.

Other Deliverables

Technological development and advancement: Santa Barbara County recognizes the benefit of applying contemporary technology to tasks such as permitting, site identification, and pesticide use reporting. We will continue to take a proactive role in adopting, developing, and promoting technological advancement in areas such as pesticide use reporting via internet, GIS, and restricted materials permitting.

The undersigned agree to this work plan for Santa Barbara County's Negotiated Work Plan for Pesticide Use Enforcement during the two year period beginning July 1, 2006, and ending June 30, 2008.

_____dated_____
Department of Pesticide Regulation

_____dated_____
Agricultural Commissioner